

5. Administration

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## 500. ADMINISTRATIVE ORGANIZATION

This chapter presents a brief summary of the statutory provisions for the overall employment security agency, the advisory councils, and the appeals authorities. All these provisions emphasize the public interest in the program as well as the interest of employers and employees as the groups most immediately concerned.

### 505 Place of the Employment Security Agency in the State Government

There are no Federal requirements concerning the form of State administrative organization or its position in the State government. The Wagner-Peyser Act, the basic law of the employment service, requires that States designate, or authorize the creation of, a State agency vested with all powers necessary to cooperate with the U.S. Employment Service. The Social Security Act requires that State laws must include provision for making such reports containing such information as the Secretary of Labor may require. All the State laws include provisions that meet these specific Federal requirements and a general statement on Federal-State cooperation.

The administrative organization of the employment security agencies shows considerable diversity. Fourteen State employment security agencies are independent boards or commissions. Nineteen are independent departments of State governments, reporting directly to the Governor. Another 19 are in State departments of labor. These various types of administrative organization are outlined in the three parts of Administration Table 1.

**505.01 *Independent board or commission.***—The 14 employment security or unemployment compensation commissions or boards are made up of 3 to 7 members, usually 3, appointed by the Governor, except in South Carolina where members of the commission are elected by the State general assembly. In Michigan the commission is by law in, but not subject to, the Department of Labor.

The interest of employer and labor groups and of the public in the program is recognized in the statutory provisions for tripartite membership in five commissions. In the District of Columbia and Michigan, employer and employee groups must be represented. In Mississippi, where the three members represent the three State supreme court districts, one member must be a representative of workers. Indiana requires one representative of large employers and one of independent merchants and small employers as well as two representatives of labor. In other States, commission members are in practice representative of interest groups. Altogether such groups are represented officially in 10 State employment security commissions (Administration Table 1A).

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Iowa, Maine, Michigan, Montana, and Wyoming require that the membership of the commission be bipartisan in character. In addition, Michigan requires that employers and employees be represented, and Iowa and Maine specify that membership include representation from employers, labor, and the public.

In four States the Governor designates the chairman of the commission; in six other States the commission or board elects its own chairman. In three States with tripartite representation on the commission, the public member is chairman by statute; in other States the public member is, in practice, chairman. The president of the Board of Commissioners is chairman of the District of Columbia Unemployment Compensation Board.

In six States<sup>1</sup> the chairman of the commission is the executive officer of the employment security agency. In five States<sup>2</sup> with per diem or part-time commissions and South Carolina with a full-time commission, the commission appoints a full-time executive director or administrator. In Indiana the Governor appoints a full-time executive director who is secretary of the Board. In Arizona the part-time employment security commission itself supervises the two coordinate divisions, the Arizona State Employment Service Division and the Unemployment Compensation Division.

505.02 *Independent departments of State government.*—The independent departments or bureaus of employment, employment security, economic security, or unemployment compensation represent another type of administrative development in 19 States (Administration Table 1B). The administration of the program is headed by a director, executive director, commissioner, or administrator appointed by the Governor. In Kentucky the bureau of employment security is a part of a department of economic security which includes a bureau of social services. In Massachusetts, the division of employment security is by law in, but not subject to, the department of labor and industries.

505.03 *In State department of labor.*—Nineteen States have placed their employment security divisions in the State department of labor, or industrial relations, or labor and industry, or labor and industrial relations, or under the State industrial commission.

In 17 of these States (Administration Table 1C), the division of employment security or of employment is an integrated employment security agency headed by a director, executive director, or administrator. In Florida and Wisconsin, separate unemployment compensation and employment services divisions report to the department of labor.

<sup>1</sup> Iowa, Maine, Montana, New Mexico, North Carolina, and Texas.

<sup>2</sup> District of Columbia, Michigan, Mississippi, Oklahoma, and Wyoming.

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505.04 *Merit selection of employees.*—One of the Federal requirements for administrative grants to States under the Social Security Act is that the State unemployment insurance law make provision for “methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Secretary of Labor shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods.” All State laws have made provision for appointment on a merit basis of personnel administering the unemployment insurance programs, with the exception of the policymaking heads of the agency. In the States with a civil service law applicable to all departments of State government, appointment of employment security personnel is in accordance with State civil service regulations. Employees of the District of Columbia Unemployment Compensation Board are appointed under the Federal civil service regulations. In States without statewide civil service systems, employees are appointed under merit systems which were established to meet the requirements of the Social Security Act.

### 510 Advisory Councils

All but three State laws provide for statewide advisory councils. In 47 States such a council is mandatory; in 2 permissive. Hawaii and Montana have appointed advisory councils though there are no statutory requirements for such councils. In 27 States the council is appointed by the Governor, in 15 States by the employment security administrative authority, and in 9 States by the overall administrative agency (Administration Table 2).

510.01 *Purpose of advisory councils.*—In most States the councils are for the purpose of aiding the agency in formulating policies and meeting problems relating to the administration of the employment security act, and in assuring impartiality and freedom from political influence in the solution of such problems. The council can make recommendations on its own to the Governor and/or the legislature in 12 States.<sup>3</sup> In Massachusetts the council reports to the Governor at least quarterly and to the legislature annually; in New York, to the Governor and legislature annually; in Missouri, to the Governor and legislature biennially; and in Pennsylvania, to the Governor periodically. In New Jersey the employment security council reports to the Governor and the legislature annually and at such other times as it may deem in the public interest. The Wisconsin council reports to each biennial legislature; in addition, it may report to the proper legislative committee on any pending unemployment insurance bill.

<sup>3</sup> Alabama, Delaware, Maine, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin.

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In Colorado the council must approve expenditures from the special administrative fund. The California council is, by statute, limited to problems relating to administration of the employment service. The Illinois Board of Unemployment Compensation and Free Employment Office Advisors and the Board of Local Illinois Free Employment Office Advisors for each employment office are established by the Illinois Civil Administrative Code.

510.02 *Representation on councils.*—Equal representation of labor and employer groups is specifically provided in all States except Idaho and Texas, and one or more public members in all States except Michigan, Oklahoma, and Wisconsin. In Texas the council must be composed of persons representing employers, employees, and the public, but equal representation is not specified. In Idaho the director is to prescribe the qualifications of the members. In New Jersey no more than four members of the council may be of the same political party. In Nebraska two members must have no interest either as employers or employees, and in Missouri and Ohio at least three members must be individuals whose training and experience qualify them to deal with the technical, economic, and social aspects of unemployment insurance. Fourteen States<sup>4</sup> provide that women must be represented on the advisory council; in practice they are represented on other State councils. New Jersey has a separate advisory council on disability benefits.

In Nevada the executive director of the employment security department, and in Ohio the chief of the division of research, serve as ex officio secretary of the respective councils. In Oklahoma the chairman of the employment security commission is ex officio chairman of the council, and in Pennsylvania the secretary of labor and industry is ex officio a member of the council; the secretary appoints a member of his staff as secretary of the council. In Wisconsin a salaried employee of the industrial commission is chairman of the State council and of each local or industry committee.

510.03 *Special councils.*—Thirty-one States (see Administration Table 2) provide for local and industry or special councils as well as a statewide advisory council, but in only four States is their appointment mandatory. In all States except Illinois, Maryland, and West Virginia, the local State councils are appointed by the same authority as the State councils; in Illinois the director of the department of labor and in Maryland the executive director of the department of employment security appoint the local councils; in West Virginia the State advisory council appoints the local councils for a limited and temporary period. Local councils also must ordinarily be representa-

<sup>4</sup> Alaska, Arizona, Arkansas, California, Indiana, Kansas, Nevada, New Mexico, New York, Oklahoma, Oregon, Pennsylvania, Puerto Rico, and Rhode Island.

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tive of employees, employers, and the public; however the permissive provisions in Arizona, Arkansas, Indiana, and Washington contain no statements concerning membership of the special councils. In Nevada the farm labor council must include representatives of substantial commodity interests so that the problems peculiar to each commodity group will be considered in State planning and administration.

### 515 Appeal Authorities

Among the requirements of the Social Security Act for Federal financing of the State administration of unemployment insurance is provision in the law for "opportunity for a fair hearing before an impartial tribunal, for all individuals whose claims for unemployment compensation are denied." All State laws provide for such appeal tribunals; all but four provide for two appeal stages (Administration Table 3A) before cases can be appealed to the State courts. Obviously the provisions differ considerably from State to State with differences in the appeals load, in the overall administering pattern, in the geographic characteristics of the State, and other factors. In all States, not only individuals whose claims are denied but employers who have an interest have a right to appeal decisions on claims. Administration Table 3 is concerned with administrative and judicial review applicable to claims determinations. Where review involves employer liability only, there may be different time limits and different hearings bodies.

515.01 *First appeals stage.*—About one-half of the State laws provide that appeals at the initial stage are to be heard by a single referee or examiner. In most of the other States the law provides that an appeal may be heard by a referee (or examiner) or by a referee (or examiner) and two associates, the associates representing the interests of employers and employees, on a per diem basis. In Connecticut, where there is only one appeal stage, the Governor appoints six commissioners, one for each of five specified geographic areas and one for the State at large, to be known collectively as the unemployment commission. The commissioners ordinarily hear cases singly, but any commissioner may request that two or more additional commissioners sit at a particular hearing.

The number of days for appealing to the first stage appeals body is generally stated in terms of "days"; however, in almost one-half of the States the period used is defined as "calendar days." Among these States Maryland excludes Sundays and holidays; Arkansas, Massachusetts, and Michigan extend the time if the last day falls on a Saturday, Sunday, or holiday—Missouri if the last day falls on a Sunday or holiday; New Jersey, Ohio (by court decision), and Pennsylvania exclude the day of mailing; also the last day if it falls on a

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Saturday, Sunday, or holiday. Massachusetts further provides for excluding a Saturday, Sunday, or holiday from the 5-day period after delivery of a determination or decision, but including them in the 7-day period after mailing.

Of the States which do not define "day," Connecticut excludes Sundays or holidays; Louisiana extends the time if the last day falls on a Saturday, Sunday, or holiday; and California, Nevada, and Washington exclude the day of mailing and the last day if it falls on a Saturday, Sunday, or holiday.

The number of days for filing an appeal after notice of the determination varies among the States, ranging from 5 to 30 days. Only Indiana provides for a special appeal period (7 days) after the mailing of a monetary determination. In a few States the time may be extended if good cause is shown. In Minnesota there is a specific extension of time—from 7 to 10 calendar days after delivery or from 7 to 12 calendar days after mailing of the determination. In Missouri when an appeal is not filed on time, an order is mailed to the claimant dismissing the appeal. But if requested within 10 days from the date of mailing the order, a hearing will be scheduled on the timeliness and merits of the appeal.

Idaho, Michigan, and Ohio provide that an appeal can be taken only from a redetermination. This redetermination is subject to the same time limitation as is the appeal to the referee.

In all but a few States the decision of the first-stage appeals body is final in absence of an appeal. In four States the referee may reconsider his decision within the appeal period (see footnote 8 to Administration Table 3A). The Nebraska law permits the commissioner to reopen the appeal tribunal decision on request within 90 days from the date of mailing on the basis of fraud, mistake, or new evidence. The appeal tribunal then holds a further hearing on the factors contributing to the reopening. In New Jersey every decision of the appeal tribunal may be considered by the board of review, which may let the decision stand, remand it to another appeal tribunal for a new hearing, or withdraw the case to itself. Puerto Rico and Rhode Island provide that any determination or decision of the referee may be reopened if a worker or employer has been defrauded or coerced in connection with the decision; the time limitation is within 60 days of the knowledge of fraud or removal of coercion.

515.02 *Second appeals stage.*—About one-half of the States have a board of review or board of appeals or appeals board to hear cases appealed from the decision of the lower appeal tribunal (Administration Table 3A). All these boards consist of three members, except New York which has five. The Florida Board of Review is composed of the chairman of the industrial commission, who is chairman, and the members of the commission. The Mississippi Board of Review



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is appointed by the employment security commission, and the New Jersey Board of Review by the director of the division of employment security; in the other States, the appeals board is appointed by the Governor.

The members of the appeals boards represent labor, employers, and the public in seven States<sup>3</sup>; but in West Virginia, the Governor may not appoint anyone who is identified with the interests of either employers or employees. In Indiana, Ohio, Oregon, and Rhode Island, no more than two members, and in New York, no more than three members, may belong to the same political party; and in Oklahoma, no member may serve as an officer of any political party organization during his term of office.

In one-half of the States the second appeals stage is handled by an existing commission or agency head. These States include all but 4<sup>6</sup> of the 14 States headed by an independent commission or board; the board which constitutes the administrative agency functions as the appeals board. In Missouri and Wisconsin where the agency is under the State industrial commission, these overall agencies serve as the appeals board. Idaho utilizes the industrial accident board, part time, as the unemployment insurance appeals board. The Kentucky Commissioner of Economic Security and two associate commissioners constitute the unemployment insurance commission which serves as appeals board and adopts rules and regulations.

In Minnesota, South Dakota, Virginia, and Washington, the Commissioner in charge of the independent employment security agency hears second-stage appeals, and in Alaska and Puerto Rico the commissioner or secretary of labor carries out this function.

The number of days in the period for appeal to the second-stage appeals body are designated as "calendar days" in only eight States, of which Minnesota and Vermont so designate only the days after delivery of the referee's decision; Vermont further stipulates that the time limit to appeal to the board is within 6 days from the date of the return receipt of registered or certified mailing of the referee's decision. Five States extend the time for filing for good cause.

Connecticut, Hawaii, Nebraska, and New Hampshire provide for only one administrative appeal which is to the first-stage appeals body. The claimant would then appeal for judicial review in the appropriate court.

About one-fourth of the States provide that a contested determination which involves a labor dispute shall be appealed directly to the second-stage appeals body. In some States a special examiner is des-

<sup>3</sup> Alabama, Arkansas, Louisiana, Nevada, Ohio, Oregon, and Rhode Island.

<sup>6</sup> Indiana, Michigan, Mississippi, and Oklahoma.

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ignated to determine the original claim. In Arkansas the period for appeal to the second-stage appeals body from a decision concerning a labor dispute is shortened from the normal 15 days to 7 days; in North Dakota from a 12-day period to one of 7 days after delivery or 10 days after mailing.

515.03 *Judicial review.*—All the States provide for appeals to the courts for judicial review. The time limit ranges from 10 to 60 days, and in California to 4 years. About one-half of the States designate a specific time to exhaust actions before the second administrative appeal body, whose decision is then final. These States provide an additional period of time in which to seek judicial review commencing when the decision is final.

California and New Jersey have no provisions in their unemployment insurance laws for appeals to the court. In California the time for filing (4 years) is governed by the Statute of Limitations and the appropriate court by interpretation of the Civil Code; in New Jersey the time is governed by court rule.

Instead of allowing a time based on the delivery or mailing of the decision, four States count the days from the date of the second-stage appeal decision (District of Columbia and New Mexico), after the decision was made (Kentucky), or entered (Vermont); Hawaii, which allows only one administrative appeal, counts the days for judicial review from the service of the referee's decision.

In Colorado the claimant must appeal within 10 days to the Commission for a review of its decision before he may appeal to the court. In North Carolina he must file a notice of intent to appeal before the commission's decision is final. Indiana allows an extension of 30 days from the date of a notice of intention to appeal to the court if made within the 15-day period from the date of mailing the board's final decision.

Thirty-five State laws specify the location of the court. In one-third of the States the location is determined (1) by the county in which the claimant resides; (2) by the county in which the claimant last worked (three States); by (1) or (2) (seven States); (3) by the county where the claim was filed (seven States).

**AT-1.—Organization of State employment security agencies  
A.—Independent commission or board (14 States)**

| State                 | Name of commission or board                  | Number of members | Interests represented  | Basis of payment   | Designation of chairman  | Executive officers   |               |
|-----------------------|--|-------------------|--|--|--|--|---------------|
|                       |  |                   |  |  |  | Title  | Appointed by— |
| Arizona .....         | Employment Security Commission.              | 3                 | -----  | Part-time .....  | Elected by commission..  | Director, Unemployment Compensation Division.                              | Commission.   |
| District of Columbia. | Unemployment Compensation Board.             | 5                 | Employer and employee representatives appointed by board of commissioners. | 3 district commissioners ex officio; 2 per diem members. | By statute, president of Board of Commissioners appointed by President of United States. | Director, Employment Service Division.<br>Director and secretary of board. | Board.        |
| Indiana .....         | Employment Security Board.                   | 5                 | Tripartite .....   | Per diem .....   | Elected by board .....   | Executive director of Employment Security Division and secretary of board. | Governor.     |
| Iowa .....            | Employment Security Commission. <sup>1</sup> | 3                 | Bipartisan and tripartite.   | Full-time .....  | Elected by commission..  | Chairman .....   | Commission.   |
| Maine .....           | Employment Security Commission. <sup>1</sup> | 3                 | Bipartisan and tripartite.   | Full-time .....  | By statute, public member.   | Chairman .....   | Governor.     |
| Michigan .....        | Employment Security Commission. <sup>1</sup> | 4                 | Bipartisan and employer and employee.                                      | Per diem .....   | Elected by commission..  | Director and secretary of commission.                                      | Commission.   |
| Mississippi .....     | Employment Security Commission.              | 3                 | Employee <sup>2</sup> .....  | Part-time .....  | Appointed by Governor.   | Executive director and secretary of commission.                            | Commission.   |
| Montana .....         | Unemployment Compensation Commission.        | 3                 | Bipartisan .....   | Chairman, full-time; 2 per diem members.                 | Appointed by Governor.   | Chairman and executive director.   | Governor.     |
| New Mexico .....      | Employment Security Commission.              | 3                 | -----  | Chairman, full-time; 2 per diem members.                 | Appointed by Governor.   | Chairman and executive director.   | Governor.     |
| North Carolina .....  | Employment Security Commission.              | 7                 | Tripartite in practice...  | Chairman, full-time; 6 per diem members.                 | Appointed by Governor.   | Chairman .....   | Governor.     |
| Oklahoma .....        | Employment Security Commission.              | 5                 | Tripartite .....   | Per diem .....   | By statute, public member.   | Executive director .....   | Commission.   |
| South Carolina .....  | Employment Security Commission. <sup>3</sup> | 3                 | -----  | Full-time .....  | Elected by Commission..  | Executive director .....   | Commission.   |
| Texas .....           | Employment Commission.                       | 3                 | Tripartite .....   | Full-time .....  | By statute, public member.   | Chairman and executive director.   | Governor.     |
| Wyoming .....         | Employment Security Commission.              | 3                 | Bipartisan .....   | Chairman, part-time; 2 per diem members.                 | Elected by Commission..  | Executive director .....   | Commission.   |

<sup>1</sup> Also administers State retirement system.

<sup>2</sup> 1 member from each Supreme Court district and 1 member must be a representative of employees.

<sup>3</sup> Members of commission are elected by State general assembly.

<sup>4</sup> Commission is by law in, but not subject to, Department of Labor.

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## B.—Independent department of State government (19 States)

| State              | Name of department  | Title of executive officer               | Explanatory notes  |
|--------------------|---|--|--|
| California.....    | Department of Employment.....                                       | Director of Employment.....              | Unemployment Compensation Commission (Industrial Commission ex officio) with tripartite membership is in Department of Employment; it functions as 2d appeal authority and exercises such powers as approving regulations. |
| Colorado.....      | Department of Employment.....                                       | Executive director.....                  |  |
| Idaho.....         | Department of Employment.....                                       | Executive director.....                  | Commissioner is chairman and public member of the Unemployment Insurance Commission, a 3-man tripartite body which functions as 2d appeal authority and adopts rules and regulations.                                      |
| Kentucky.....      | Department of Economic Security, Bureau of Employment Security..... | Commissioner of Economic Security.....   |  |
| Maryland.....      | Department of Employment Security.....                              | Executive director.....                  | Division is by law in, but not subject to, Department of Labor and Industries, headed by commissioner.   |
| Massachusetts..... | Division of Employment Security.....                                | Director.....                            |  |
| Minnesota.....     | Department of Employment Security.....                              | Commissioner.....                        | Board of review has power to adopt rules and regulations.  |
| Nevada.....        | Employment Security Department.....                                 | Executive director.....                  |  |
| New Hampshire..... | Department of Employment Security.....                              | Commissioner.....                        |  |
| North Dakota.....  | Employment Security Bureau.....                                     | Executive Director.....                  |  |
| Ohio.....          | Bureau of Unemployment Compensation.....                            | Administrator.....                       |  |
| Oregon.....        | Department of Employment.....                                       | Commissioner.....                        |  |
| Rhode Island.....  | Department of Employment Security.....                              | Director.....                            |  |
| South Dakota.....  | Employment Security Department.....                                 | Commissioner and counsel.....            |  |
| Tennessee.....     | Department of Employment Security.....                              | Commissioner.....                        |  |
| Vermont.....       | Department of Employment Security.....                              | Commissioner.....                        |  |
| Virginia.....      | Employment Commission (1 member).....                               | Commissioner.....                        | State commissioner of labor is to give full cooperation and assistance to the Employment Commission.   |
| Washington.....    | Employment Security Department.....                                 | Commissioner.....                        |  |
| West Virginia..... | Department of Employment Security.....                              | Commissioner of Employment Security..... |  |

C.—In State department of labor (19 States)

| State             | Name of department and administrative head  | Name of employment security unit or units                                      | Employment security executive officer                     |                                  |
|-------------------|---|--|---|----------------------------------|
|                   |   |  | Title   | Appointed                        |
| Alabama.....      | Department of Industrial Relations, Director.   | Division of Employment Security.....   | Director of Industrial Relations as chief of Division.    | Governor.                        |
| Alaska.....       | Department of Labor, Commissioner.....  | Division of Employment Security.....   | Director.....   | Commissioner.                    |
| Arkansas.....     | Department of Labor, Commissioner.....  | Employment Security Division.....  | Administrator.....  | Governor.                        |
| Connecticut.....  | Labor Department, Commissioner.....   | Division of Employment Security.....   | Executive director.....                                   | Labor commissioner.              |
| Delaware.....     | Department of Labor and Industrial Relations (5 members).   | Employment Security Commission.....  | Chairman and executive director.....                      | Governor.                        |
| Florida.....      | Industrial Commission (3 members with tripartite representation).   | Unemployment Compensation Division, Florida State Employment Service Division. | Director.....   | Commission.                      |
| Georgia.....      | Department of Labor, Commissioner.....  | Employment Security Agency.....  | Director.....   | Commissioner of labor.           |
| Hawaii.....       | Department of Labor and Industrial Relations, Commission (5 members, bipartisan).                               | Bureau of Employment Security.....   | Director of Department of Labor and Industrial Relations. | Commission.                      |
| Illinois.....     | Department of Labor, Director.....  | Bureau of Employment Security.....   | Administrator.....  | Director of labor.               |
| Kansas.....       | Labor Department, Commissioner.....   | Employment Security Division.....  | Director.....   | Commissioner of labor.           |
| Louisiana.....    | Department of Labor, Commissioner.....  | Division of Employment Security.....   | Administrator.....  | Commissioner of labor.           |
| Missouri.....     | Department of Labor and Industrial Relations, Industrial Commission (3 members with tripartite representation). | Division of Employment Security.....   | Director.....   | Governor.                        |
| Nebraska.....     | Department of Labor, Commissioner.....  | Division of Employment.....  | Director.....   | Governor.                        |
| New Jersey.....   | Department of Labor and Industry, Commissioner.   | Division of Employment Security.....   | Director.....   | Governor.                        |
| New York.....     | Department of Labor, Industrial Commissioner.   | Division of Employment.....  | Executive director.....                                   | Industrial commissioner.         |
| Pennsylvania..... | Department of Labor and Industry, Secretary.  | Bureau of Employment Security.....   | Executive director.....                                   | Secretary of labor and industry. |
| Puerto Rico.....  | Department of Labor, Secretary.....   | Bureau of Employment Security.....   | Director.....   | Secretary of labor.              |
| Utah.....         | Industrial Commission (3 members, bipartisan).  | Department of Employment Security.....   | Administrator.....  | Commission.                      |
| Wisconsin.....    | Industrial Commission (3 members).....  | Unemployment Compensation Department, Wisconsin State Employment Service.      | Chairman of Industrial Commission.                        | Governor.                        |

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## AT-2.—State and local advisory councils

| State                        | State councils                                     |                                |                                 |               |        | Local or special councils |
|------------------------------|--|--------------------------------|---------------------------------|---------------|--------|---------------------------|
|                              | Appointed by—                                      | Number of members <sup>1</sup> | Groups represented <sup>2</sup> |               |        |                           |
|                              |  |                                | Em-<br>ployer                   | Em-<br>ployee | Public |                           |
| Alabama.....                 | Governor.....                                      | 9                              | X                               | X             | X      | Permitted.<br>Permitted.  |
| Alaska.....                  | Governor.....                                      | 5                              | 2                               | 2             | 1      |                           |
| Arizona.....                 | Employment Security Commission.....                | 9                              | X                               | X             | X      |                           |
| Arkansas.....                | Governor.....                                      | (1)                            | X                               | X             | X      |                           |
| California.....              | Governor.....                                      | 9                              | 3                               | 3             | 3      |                           |
| Colorado.....                | Governor.....                                      | 11                             | 4                               | 4             | 3      |                           |
| Connecticut.....             | Governor.....                                      | 6                              | 2                               | 2             | 2      |                           |
| Delaware.....                | Governor.....                                      | 7                              | 3                               | 3             | 1      |                           |
| District of<br>Columbia..... |  |                                |                                 |               |        |                           |
| Florida.....                 | Industrial Commission.....                         | (1)                            | X                               | X             | X      | Permitted.                |
| Georgia.....                 | Commissioner of Labor.....                         | (1)                            | X                               | X             | X      | Permitted.                |
| Hawaii <sup>3</sup> .....    | Director of Labor and Industrial<br>Relations..... | 15                             | 4                               | 4             | 7      |                           |
| Idaho.....                   | Department of Employment.....                      | (1)                            | (1)                             | (1)           | (1)    | Permitted.                |
| Illinois.....                | Governor.....                                      | 9                              | 3                               | 3             | 3      | Permitted.                |
| Indiana.....                 | Employment Security Board.....                     | (1)                            | X                               | X             | X      | Permitted.                |
| Iowa <sup>1</sup> .....      | Employment Security Commission.....                | (1)                            | X                               | X             | X      | Permitted.                |
| Kansas.....                  | Commissioner of Labor.....                         | (1)                            | X                               | X             | X      | Permitted.                |
| Kentucky.....                | Commissioner of Economic Security.....             | (1)                            | X                               | X             | X      | Permitted.                |
| Louisiana.....               | Governor.....                                      | (1)                            | X                               | X             | X      | Permitted.                |
| Maine.....                   | Employment Security Commission.....                | 9                              | X                               | X             | X      | Mandatory.                |
| Maryland.....                | Governor.....                                      | (1)                            | X                               | X             | X      |                           |
| Massachusetts.....           | Governor.....                                      | 6                              | 2                               | 2             | 2      |                           |
| Michigan.....                | Governor.....                                      | 8                              | 4                               | 4             |        |                           |
| Minnesota.....               | Governor.....                                      | (1)                            | X                               | X             | X      | Permitted.                |
| Mississippi.....             | Employment Security Commission.....                | (1)                            | X                               | X             | X      | Permitted.                |
| Missouri.....                | Governor.....                                      | 7                              | 2                               | 2             | 3      |                           |
| Montana <sup>3</sup> .....   | Unemployment Compensation Com-<br>mission.....     | 15                             | 5                               | 5             | 5      |                           |
| Nebraska.....                | Commissioner of Labor.....                         | 6                              | 2                               | 2             | 2      | Permitted.                |
| Nevada.....                  | Governor.....                                      | 9                              | 3                               | 3             | 3      | Mandatory.                |
| New Hampshire.....           | Governor.....                                      | 7                              | 3                               | 3             | 1      |                           |
| New Jersey.....              | Governor.....                                      | 7                              | 2                               | 2             | 3      |                           |
| New Mexico.....              | Employment Security Commission.....                | (1)                            | X                               | X             | X      | Permitted.                |
| New York.....                | Governor.....                                      | 9                              | 3                               | 3             | 3      |                           |
| North Carolina.....          | Governor.....                                      | (1)                            | X                               | X             | X      | Mandatory.                |
| North Dakota.....            | Employment Security Bureau.....                    | (1)                            | X                               | X             | X      | Mandatory.                |
| Ohio.....                    | Governor.....                                      | 7                              | 2                               | 2             | 3      |                           |
| Oklahoma.....                | Governor.....                                      | 6                              | 3                               | 3             |        |                           |
| Oregon.....                  | Governor.....                                      | (1)                            | X                               | X             | X      | Permitted.                |
| Pennsylvania.....            | Governor.....                                      | (1)                            | X                               | X             | X      | Permitted.                |
| Puerto Rico.....             | Secretary of Labor.....                            | (1)                            | X                               | X             | X      | Permitted.                |
| Rhode Island.....            | Governor.....                                      | 9                              | 3                               | 3             | 3      |                           |
| South Carolina.....          | Employment Security Commission.....                | (1)                            | X                               | X             | X      | Permitted.                |
| South Dakota.....            | Governor.....                                      | (1)                            | X                               | X             | X      |                           |
| Tennessee.....               | Commissioner of Employment Se-<br>curity.....      | (1)                            | X                               | X             | X      | Permitted.                |
| Texas.....                   | Employment Commission.....                         | (1)                            | X                               | X             | X      | Permitted.                |
| Utah.....                    | Industrial Commission.....                         | 11                             | 4                               | 4             | 3      | Permitted.                |
| Vermont.....                 | Governor.....                                      | 9                              | 3                               | 3             | 3      |                           |
| Virginia <sup>1</sup> .....  | Unemployment Compensation Com-<br>mission.....     | (1)                            | X                               | X             | X      | Permitted.                |
| Washington.....              | Commissioner of Employment Se-<br>curity.....      | 9                              | 3                               | 3             | 3      | Permitted.                |
| West Virginia.....           | Governor.....                                      | 9                              | 3                               | 3             | 3      | Permitted.                |
| Wisconsin.....               | Industrial Commission.....                         | (1)                            | X                               | X             | X      | Permitted.                |
| Wyoming.....                 | Employment Security Commission.....                | (1)                            | X                               | X             | X      | Permitted.                |

<sup>1</sup> Number of members is minimum in Alabama and maximum in Arizona, Maine, and Washington; in Utah the number of employer and employee members is minimum; in Idaho the number of members may vary from a minimum of 7 to a maximum of 15 with no representation groups required; in other States footnoted, number of members is not specified.

<sup>2</sup> "X" indicates representation of group required but number of representatives not specified.

<sup>3</sup> State council not mandatory; in Hawaii and Montana, no statutory requirement.

AT-3.—Constitution of appeals authorities and time limitation for appellate review\*

A.—Administrative appeals

| State   | Number of days for filing |                    | 1st stage appeals body  | Number of days for filing |                    | 2d stage appeals body                      |
|---------|---------------------------|--------------------|---|---------------------------|--------------------|--|
|         | After de-<br>livery       | After mail-<br>ing |   | After de-<br>livery       | After mail-<br>ing |  |
|         | of de-<br>termination     |                    |   | of 1st appeal<br>decision |                    |  |
| Ala.    | 17                        | 110                | Referee   |                           | 10                 | Board of Appeals.                          |
| Alaska  | 10                        | 10                 | Referee   | 10                        | 10                 | Department of Labor.                       |
| Ariz.   | 17                        | 10                 | Examiner and 2 associates   | 10                        | 10                 | Employment Security Com-<br>mission.       |
| Ark.    | 15                        | 15                 | Referee or referee and 2 asso-<br>ciates.                               | 15                        | 15                 | Board of Review.                           |
| Calif.  | 10                        | 10                 | Referee   |                           | 10                 | Appeals Board.                             |
| Colo.   | 11                        | 11                 | Referee   | 11                        | 11                 | Unemployment Compensa-<br>tion Commission. |
| Conn.   |                           | 7                  | Commissioner  |                           | (?)                |  |
| Del.    | 17                        | 10                 | Referee or referee and 2 asso-<br>ciates.                               | 10                        | 10                 | Employment Security Com-<br>mission.       |
| D.C.    | 10                        | 10                 | Examiner or examiner and 2<br>associates.                               | 10                        | 10                 | Unemployment Compensa-<br>tion Board.      |
| Fla.    | 10                        | 10                 | Referee   | 10                        | 10                 | Board of Review.                           |
| Ga.     | 7                         | 7                  | Referee or referee and 2 asso-<br>ciates.                               | 10                        | 10                 | Board of Review.                           |
| Hawaii  | 10                        | 10                 | Referee   |                           | (?) (?)            |  |
| Idaho   | 14                        | 14                 | Examiner  | 14                        | 14                 | Industrial Accident Board.                 |
| Ill.    | 7                         | 9                  | Referee   |                           | 10                 | Board of Review.                           |
| Ind.    | 10                        | 10                 | Referee   | 15                        | 15                 | Review Board.                              |
| Iowa    | 15                        | 17                 | Examiner or examiner and 2<br>associates.                               | 10                        | 10                 | Employment Security Com-<br>mission.       |
| Kans.   | 15                        | 17                 | Referee   | 10                        | 10                 | Board of Review.                           |
| Ky.     |                           | 10                 | Referee   |                           | 10                 | Unemployment Insurance<br>Commission.      |
| La.     | 10                        | 10                 | Referee or referee and 2 asso-<br>ciates.                               | 10                        | 10                 | Board of Review.                           |
| Maine   |                           | 17                 | Examiner or examiner and 2<br>associates.                               | 15                        | 15                 | Employment Security Com-<br>mission.       |
| Md.     | 17                        | 17                 | Referee   | 17                        | 17                 | Board of Appeals.                          |
| Mass.   | 5                         | 7                  | Entire board, member of<br>board, or examiner desig-<br>nated by board. | 5                         | 7                  | Board of Review.                           |
| Mich.   | 15                        | 15                 | Referee   |                           | 15                 | Appeal Board.                              |
| Minn.   | 17                        | 17                 | Examiner and 2 associates   | 10                        | 12                 | Employment Security Com-<br>missioner.     |
| Miss.   | 7                         | 7                  | Referee or referee and 2 asso-<br>ciates.                               | 10                        | 10                 | Board of Review.                           |
| Mo.     | 17                        | 17                 | Referee or 3 referees   | 10                        | 10                 | Industrial Commission.                     |
| Mont.   | 15                        | 17                 | Examiner or examiner and 2<br>associates.                               | 10                        | 10                 | Unemployment Compensa-<br>tion Commission. |
| Nebr.   | 17                        | 10                 | Examiner or examiner and 2<br>associates.                               |                           | (?)                |  |
| Nev.    | 10                        | 10                 | Examiner or examiner and 2<br>associates.                               | 10                        | 10                 | Board of Review.                           |
| N.H.    |                           | 17                 | Examiner or examiner and 2<br>associates.                               |                           | (?)                |  |
| N.J.    | 17                        | 10                 | Examiner or examiner and 2<br>associates.                               | 10                        | 10                 | Board of Review.                           |
| N. Mex. | 15                        | 15                 | Examiner or examiner and 2<br>associates.                               | 15                        | 15                 | Employment Security Com-<br>mission.       |
| N.Y.    | 30                        | 30                 | Referee   | 20                        | 20                 | Appeal Board.                              |
| N.C.    |                           | 15<br>or<br>10     | Examiner or examiner and 2<br>associates.                               | 10                        | 10                 | Employment Security Com-<br>mission.       |
| N. Dak. | 12                        | 12                 | Referee or referee and 2 asso-<br>ciates.                               | 12                        | 12                 | Employment Security<br>Bureau.             |
| Ohio    | 10                        | 10                 | Referee   |                           | 10                 | Board of Review.                           |
| Okla.   | 10                        | 10                 | Referee or referee and 2 asso-<br>ciates.                               | 10                        | 10                 | Board of Review.                           |
| Oreg.   | 10                        | 10                 | Referee   | 10                        | 10                 | Appeals Board.                             |
| Pa.     | 10                        | 10                 | Referee   | 10                        | 10                 | Board of Review.                           |
| P.R.    | 10                        | 10                 | Referee   | 10                        | 10                 | Secretary of Labor.                        |
| R.I.    |                           | 17                 | Referee   | 17                        | 17                 | Board of Review.                           |
| S.C.    | 5                         | 7                  | Referee or referee and 2 asso-<br>ciates.                               | 10                        | 10                 | Employment Security Com-<br>mission.       |

(Continued on next page)

## ADMINISTRATION

### AT-3.—Constitution of appeals authorities and time limitation for appellate review\*.—Con.

#### A.—Administrative appeals

| State  | Number of days for filing |                | 1st stage appeals body                         | Number of days for filing |                | 2d stage appeals body                   |
|--------|---------------------------|----------------|--|---------------------------|----------------|---|
|        | After de-livery           | After mail-ing |  | After de-livery           | After mail-ing |   |
|        | of deter-mination         |                |  | of 1st appeal decision    |                |   |
| S. Dak |                           | 9              | Referee.....                                   | 9                         | 9              | Unemployment Compensation Commissioner. |
| Tenn   | 10                        | 10             | Referee.....                                   | 10                        | 10             | Board of Review.                        |
| Tex    |                           | 12             | Examiner.....                                  |                           | 10             | Employment Commission.                  |
| Utah   | 10                        | 10             | Referee.....                                   | 10                        | 10             | Board of Review.                        |
| Vt     | 10                        | 12             | Referee.....                                   | 6                         | 6              | Employment Security Board               |
| Va     | 5                         | 7 or 10        | Examiner or examiner and 2 associates.         | 10                        | 10             | Employment Commission.                  |
| Wash   | 10                        | 10             | Examiner.....                                  | 10                        | 10             | Employment Security Commissioner.       |
| W. Va  | 8                         | 8              | Examiner <sup>1</sup> .....                    | 8                         | 8              | Board of Review.                        |
| Wis    | 10                        | 10             | 1 or 3 examiners or examiner and 2 associates. |                           | 10             | Industrial Commission.                  |
| Wyo    | 10                        | 10             | Examiner or examiner and 2 associates.         | 10                        | 10             | Employment Security Commission.         |

\*Administrative or judicial review applicable to claims determinations. Where review involves employer liability only, there may be different time limits and different hearings bodies.

<sup>1</sup> Law specifies "calendar days."

<sup>2</sup> May be extended for good cause. In Minnesota time is extended to 10 calendar days after delivery or 12 calendar days after mailing after which time determination is final. In Missouri when appeal is not filed on time, an order is mailed dismissing appeal. If requested within 10 days from date of mailing the order, a hearing will be scheduled on timeliness and merits of appeal.

<sup>3</sup> Only one administrative appeal.

<sup>4</sup> Appeal taken from redetermination.

<sup>5</sup> Refers to nonmonetary determination—allows 15 days to Alaska, Hawaii, and Puerto Rico; specifies 7 days after mailing of monetary determination.

<sup>6</sup> The longer period applies after notification is mailed to last known address of interstate claimant.

<sup>7</sup> Within 6 days from date of return receipt of registered mail.

<sup>8</sup> Referee may reconsider his decision: within 30 days after service in absence of appeal for judicial review (Hawaii); within 15 days after mailing (Michigan); within 10 days after mailing provided no further appeal has been filed or board has not transferred claim to itself (Ohio); within 30 days of delivery or mailing if no appeal to board of review (Tennessee).

<sup>9</sup> Or 3 examiners assigned by board; member of board; the board.



## ADMINISTRATION

### AT-3 B.—Judicial review

| State                     | Number of days for filing <sup>1</sup> |                     |                 | Judicial Review   |
|---------------------------|--|---------------------|-----------------|---|
|                           | After delivery                         | After mailing       | Other           |   |
|                           | of 2d stage appeal decision            |                     |                 |   |
| Alabama.....              |  | 10+10               |                 | Circuit Court. <sup>2</sup>   |
| Alaska.....               | 30                                     | 30                  |                 | Superior Court.   |
| Arizona.....              | 30                                     | 30                  |                 | Superior Court.   |
| Arkansas.....             | 15                                     | 15                  |                 | Circuit Court. <sup>2</sup>   |
| California.....           |  | <sup>2</sup> 4 yrs. |                 | Superior Court. <sup>2</sup>  |
| Colorado.....             |  | <sup>4</sup> 10+20  |                 | District Court. <sup>3</sup>  |
| Connecticut.....          |  | <sup>5</sup> 15     |                 | Superior Court. <sup>4</sup>  |
| Delaware.....             | 10+10                                  | 10+10               |                 | Superior Court. <sup>2</sup> or <sup>7</sup> .                        |
| District of Columbia..... |  |                     | <sup>8</sup> 30 | U.S. District Court for District of Columbia.                         |
| Florida.....              | 60                                     | 60                  |                 | District Court of Appeals. <sup>5</sup>                               |
| Georgia.....              | 10+10                                  | 10+10               |                 | Superior Court. <sup>7</sup>  |
| Hawaii.....               |  |                     | <sup>6</sup> 30 | Circuit Court. <sup>2</sup> or <sup>7</sup>                           |
| Idaho.....                | 30                                     | 30                  |                 | Supreme Court.  |
| Illinois.....             |  | 35                  |                 | Circuit Court. <sup>2</sup>   |
| Indiana.....              |  | <sup>5</sup> 15     |                 | Appellate Court.  |
| Iowa.....                 | 10+10                                  | 10+10               |                 | District Court. <sup>2</sup> or <sup>7</sup>                          |
| Kansas.....               |  | 10                  |                 | District Court. <sup>2</sup>  |
| Kentucky.....             |  |                     | <sup>8</sup> 20 | Circuit Court. <sup>7</sup>   |
| Louisiana.....            | 10                                     | 10                  |                 | District Court. <sup>2</sup>  |
| Maine.....                | 10+15                                  | 10+15               |                 | Superior Court of Kennebec County.                                    |
| Maryland.....             | 30                                     | 30                  |                 | Circuit Court of county or Superior Court of Baltimore.               |
| Massachusetts.....        |  | 20                  |                 | District Court. <sup>2</sup> or <sup>7</sup>                          |
| Michigan.....             |  | 15                  |                 | Circuit Court. <sup>2</sup>   |
| Minnesota.....            |  | 30                  |                 | Supreme Court.  |
| Mississippi.....          | 10+10                                  | 10+10               |                 | Circuit Court. <sup>2</sup>   |
| Missouri.....             | 10+10                                  | 10+10               |                 | Circuit Court or Court of Common Pleas. <sup>2</sup>                  |
| Montana.....              | 10+10                                  | 10+10               |                 | District Court. <sup>2</sup>  |
| Nebraska.....             |  | <sup>6</sup> 5+10   |                 | District Court. <sup>2</sup> or <sup>7</sup>                          |
| Nevada.....               | 10+10                                  | 10+10               |                 | District. <sup>4</sup>  |
| New Hampshire.....        |  | <sup>5</sup> 10     |                 | Superior Court. <sup>2</sup>  |
| New Jersey.....           |  | <sup>2</sup> 45     |                 | Superior Court, Appellate Division.                                   |
| New Mexico.....           |  |                     | <sup>8</sup> 15 | District Court. <sup>2</sup>  |
| New York.....             | 30                                     | 30                  |                 | Supreme Court, Appellate Division, Third Department.                  |
| North Carolina.....       | 10+10                                  | <sup>4</sup> 10+10  |                 | Superior Court. <sup>2</sup>  |
| North Dakota.....         | 30                                     | 30                  |                 | District Court of Burleigh County.                                    |
| Ohio.....                 |  | 30                  |                 | Court of Common Pleas. <sup>2</sup> or <sup>7</sup>                   |
| Oklahoma.....             |  | 10                  |                 | District Court. <sup>2</sup>  |
| Oregon.....               | 10+20                                  | 10+20               |                 | Circuit Court. <sup>2</sup>   |
| Pennsylvania.....         |  | 10+30               |                 | Superior Court.   |
| Puerto Rico.....          | 10                                     | 10                  |                 | Superior Court. <sup>2</sup>  |
| Rhode Island.....         | 15                                     | 15                  |                 | Superior Court of Providence or Bristol. <sup>2</sup> or <sup>7</sup> |
| South Carolina.....       | 10+10                                  | 10+10               |                 | Court of Common Pleas. <sup>2</sup> or <sup>7</sup>                   |
| South Dakota.....         | 10+10                                  | 10+10               |                 | Circuit Court. <sup>2</sup>   |
| Tennessee.....            | 10+10                                  | 10+10               |                 | Chancery Court. <sup>2</sup>  |
| Texas.....                |  | 10+10               |                 | County Court. <sup>2</sup>  |
| Utah.....                 | 10+10                                  | 10+10               |                 | Supreme Court.  |
| Vermont.....              |  |                     | <sup>8</sup> 30 | County Court.   |
| Virginia.....             | 10+10                                  | 10+10               |                 | Circuit Court. <sup>2</sup>   |
| Washington.....           |  | 30                  |                 | Superior Court. <sup>2</sup>  |
| West Virginia.....        |  | 30+20               |                 | Circuit Court of Kanawha County.                                      |
| Wisconsin.....            |  | 30                  |                 | Circuit Court of Dane County.   |
| Wyoming.....              | 10                                     | 10                  |                 | District Court of Natrona County. <sup>2</sup> or <sup>7</sup>        |

<sup>1</sup> Where two figures are shown, first figure is number of days after which decision is final and is time claimant has to exhaust actions before administrative appeal bodies; second figure is additional time allowed to seek judicial review.

<sup>2</sup> In county in which the claimant resides.

<sup>3</sup> Time and appropriate court governed by Statute of Limitations and interpretation of Civil Code (California); by court rule, no statutory provision (New Jersey).

<sup>4</sup> Claimant must appeal to commission for a review within 10 days before he may appeal to court. (Colorado); claimant must file a notice of intent to appeal before decision is final (North Carolina).

(Footnotes continued on next page)

## ADMINISTRATION

(Footnotes for AT-3 B continued)

<sup>5</sup> Where claim was filed.

<sup>6</sup> No further administrative appeal; in Hawaii 30 days after service of referee's decision.

<sup>7</sup> In county in which the claimant last worked.

<sup>8</sup> After decision is made (Kentucky); after date of decision (District of Columbia, Hawaii, New Mexico); after date of entry of decision (Vermont).

<sup>9</sup> Or 30 days from date of notice of intention to appeal made within the 15-day period.